UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF TEXAS - FORT WORTH DIVISION

JOSEPH FRIEDHEIM,	§	
IASMIN FRIEDHEIM, and	§	
JF SOLUTIONS LTD.,	§	
Plaintiffs/Counter-Defendants	§	
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V.	Š	Civil Action No. 4:20-cv-335
	§	
THOMAS HOEBER and	§	
Defendants/Counter-Plaintiffs	§	
HÖEBER MEDIA, LLC,	§	
Defendant/Intervenor	§	

REQUEST TO AMEND SCHEDULING ORDER TO ELIMINATE COURT-ORDERED MEDIATION, or in the alternative, MOVE DEADLINE TO MEDIATE

NOW COMES Plaintiffs, requesting that this Court allow the instant case to go forward without mediation, and in support of this request show:

- 1. Plaintiffs do not believe that this case is appropriate for mediation because it is unlikely to significantly aid the parties in their settlement negotiations and will therefore be an unnecessary delay and expenditure of resources. The parties and counsel are engaged in frequent negotiations but have thus far been unable to reach a settlement.
- 2. To mediate this case, the parties must at least complete discovery, which is still in its initial stages. To attempt mediation before completing discovery would be fruitless, as the parties have exaggerated views regarding the strength of their positions.
- 3. Relevant facts are still being worked out because this case involves several Portuguese witnesses, language barriers, and the Covid-19 inspired lockdown in Portugal. Acquiring the full portrait of events has been difficult, e.g., Plaintiffs have recently received a Portuguese Copyright Registration. Until the factual record solidifies, mediation is unlikely to succeed.

4. Though opposing counsel has stated it is opposed to elimination of the required mediation, it does agree that a later deadline of August 31, 2021 would be acceptable.

WHEREFORE, PREMISES CONSIDERED, Plaintiffs hereby request that the Court amend its Scheduling Order to eliminate the required deadline to mediate in this case, or in the alternative, amend the deadline from March 31, 2021 to August 31, 2021.

Respectfully submitted.

Warren V. Norred, Texas Bar No. 24045094

515 E. Border St., Arlington, TX 76001

Tel. (817) 704-3984, Fax. (817) 524-6686

wnorred@norredlaw.com Attorney for Plaintiffs

CERTIFICATE OF CONFERENCE – I hereby certify that on February 3, 2021, I conferred by email with Brian Casper, Counsel for Defendant Thomas Hoeber and Intervenor Hoeber Media, LLC, who was opposed to the elimination of the mediation, but agreed to an amended mediation deadline from March 31 to August 31, 2021.

Warren V. Norred, Tx Bar: 24045094

<u>CERTIFICATE OF SERVICE</u> – I hereby certify that on February 3, 2021, I served this document to Brian Casper, Counsel for Defendant Thomas Hoeber and Intervenor Hoeber Media, LLC, via the Court's e-filing system.

Warren V. Norred, Tx Bar: 24045094